HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 364 (S/S) 2003

Pramod Rawat S/o Sri Dhanvir Singh Rawat,
R/o Devi Road Kotdwar. ….Petitioner.
Distt. Pauri Garhwal.

Vs.

1. State of Uttaranchal, through Secretary, Education,
   Uttaranchal, Dehradun,
2. Director of Education, Uttaranchal,
   Dehradun,
3. Joint Director of Education, Garhwal Mandal,
   Pauri Garhwal. …..Respondents

Sri Pankaj Purohit, learned counsel for the petitioner,
Learned Standing, Counsel for the State.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Pankaj Purohit, learned counsel for the petitioner and Learned Standing, Counsel for the State.

The petitioner, by means of this writ petition, has prayed for a writ of mandamus commanding the respondents to consider the petitioner for appointment on the post of Assistant Teacher L.T. Grade Science/Maths, after considering and awarding quality points to his post graduation degree.

Brief facts of the case are that the petitioner, in pursuance of the advertisement dated 24.06.2002 issued by the respondents, applied for appointment on the post of L.T. Grade Teacher in Science/Mathematics. The petitioner appeared in M.Sc.(Maths) final examination and at the time of submission of application he was awaiting his result and consequently could not annexed the marks sheet of M.Sc. final, alongwith the

application. The result of M.Sc. (Maths) final was declared on 10.07.2002 and after obtaining the marks sheet, the same was personally submitted by the petitioner to Joint Director of Education, Garhwal Mandal, Pauri on 11.07.2002. The advertisement which was issued by the respondents contained a stipulation that the candidates whose final examination is completed before the date of advertisement which was issued on 24th June 2002 and who are awaiting for their results, may apply and such candidates shall submit their marks sheet of the final examination within three days from the date of declaration of their results.

The contention of the petitioner is that, according to the procedure adopted by the respondents, as per rules, for awarding the quality points, the total points, which the petitioner must get according to his qualification, comes 81.32, in case the quality points are also awarded for the degree of M.Sc. (Maths). However, in the month of June 2003, the respondents issued appointment letter on the post of Assistant Teacher L.T. Grade Science/Maths to the candidates having less quality points than the petitioner.

The petitioner enquired from the respondents as to why he was not given appointment in spite of the fact that he must get 81.32 quality pointes marks as per procedure adopted for counting the quality points marks. The petitioner was informed that his post graduation degree was not considered for giving quality point marks, which deprived him for appointment on the post of Assistant Teacher L.T. Grade in Science/Maths.

The writ petition was finally decided by this Court on 7th July 2003 in terms of the decision of this Court in writ petition no. 1484 (S/B) 2002 Akhilesh Chandra & 45 others vs. State of Uttaranchal and others.

After the decision, the petitioner filed review application in which it was submitted that the case of the petitioner was not covered by the judgment passed in Akhilesh Chandra consequently, the order dated 7th July 2003 was recalled by this Court vide its order dated 16.12.2004.

Learned counsel for the parties are agreed that the writ petition may be decided at the admission stage as the issue raised in the present writ petition is squarely covered by the judgment delivered by this Court on 9th September 2004 in writ petition no. 786(S/S)2003 Km. Anisha Dimri vs. State of Uttaranchal and others. In the case of Anisha Dimri, the petitioner has submitted that her result of M.Sc. final was declared on 10.07.2002 and she has sent her marks sheet by registered post on 11.07.2002, however her post graduate degree was not considered for providing her quality point marks. In the present case, the petitioner has submitted that his result of M.Sc. final was declared on 10.07.2002 and he has submitted his mark sheet personally to the Joint Director of Education, Garhwal Mandal, Pauri and even then, his post graduate degree was not considered for providing him quality point marks which deprived him for being appointed as Assistant Teacher Science/Maths.

In the case of Anisha Dimri, the respondents have submitted in the counter affidavit that had the petitioner submitted her Post Graduation marks-sheet well within time before the respondent no.3, than it would be possible to the respondents to consider the case of the petitioner, but petitioner did not submit her marks sheet in time consequently, the same was not considered for providing her quality point marks.

This court, while deciding the writ petition of Anisha Dimri, held that she has sent the marks sheet on 11.07.2002 well

within time as there was a stipulation in the advertisement that the candidates whose final examination is completed before the date of advertisement and the result has not been declared, they may submit their marks sheet of the final examination within three days from the date of declaration of their results. Consequently, this court allowed the writ petition of Anisha Dimri and directed the respondents to consider the post graduated degree of the petitioner for awarding quality point marks and after awarding the same if the petitioner achieved the merit her candidature shall be considered for giving appointment on the post of Assistant Teacher L.T. Grade Science/Maths in accordance with law.

Similar is the case of the petitioner. According to the petitioner, he personally submitted his marks sheet of final examination on 11.07.2002. The result was declared on 10.07.2002. In the circumstances, I direct the respondents to consider the post graduate degree of the petitioner for awarding him quality point marks, provided the marks sheet has been submitted by the petitioner within three days from the date of publication of the result and in case after awarding quality point marks the petitioner achieves the merits his candidature shall be considered for giving appointment on the post of Assistant Teacher L.T. Grade Science/Maths in accordance with law.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

February 16, 2005:
NCM: